

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERTA ELMORE,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS, WASHINGTON
CORRECTIONS CENTER FOR WOMEN,
STEVEN HAMMOND, KENNETH
TAYLOR, JEFF PERRY, PAM SAARI,
COLTER,

Defendants.

CASE NO. C13-5946 RJB-JRC

ORDER

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

Currently before the Court is plaintiff's motion for telephonic argument (Dkt. 29). The Clerk's Office noted the motion for February 27, 2015. The Court's waiting for the noting date on this motion could delay considering a currently pending motion for summary judgment (Dkt. 23).


1 Oral argument, which would include telephonic argument, is addressed by the Court in
2 Local Civil Rule 7(b)(4). The Local Rule states:

3 (4) *Oral Argument*. Unless otherwise ordered by the court, all motions will be
4 decided by the court without oral argument. Counsel shall not appear on the date
5 the motion is noted unless directed by the court. A party desiring oral argument
6 shall so indicate by including the words "ORAL ARGUMENT REQUESTED" in
7 the caption of its motion or responsive memorandum. If a request for oral
8 argument is granted, the clerk will notify the parties of the date and time for
9 argument.

10 Plaintiff states that her motion is based on "this notice and subjoined affidavit and
11 enclosed files and records of this case." (Dkt. 29, p. 2). The action involves medical treatment
12 provided to her while incarcerated. Plaintiff states she is in pain and exhausted because of
13 "fibrous dysplasia." (Dkt. 26). Plaintiff states that she was not physically capable of attending
14 law library (*id.*). However, the Court granted plaintiff a continuance and plaintiff filed a
15 response to the pending motion for summary judgment (Dkt. 26 and 27). Plaintiff's response to
16 defendants' motion for summary judgment is well reasoned (Dkt. 26).

17 Plaintiff has failed to articulate good cause for departure from the Court's normal practice
18 of deciding motions on the pleadings. Accordingly, the Court denies plaintiff's motion for
19 telephonic argument.

20 Dated this 12th day of February, 2015.

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J. Richard Creatura
United States Magistrate Judge